

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/033,585 03/03/98 NAGASHIMA

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005514 WM31/1222  
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 EXAMINER

POON, K

 ART UNIT PAPER NUMBER2624 

DATE MAILED:

12/22/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Advisory Action</b>	Application No. <b>09/033,585</b>	Applicant(s) <b>Takeyuki Nagashima</b>
	Examiner <b>King Y. Poon</b>	Group Art Unit <b>2624</b>

**THE PERIOD FOR RESPONSE: [check only a) or b)]**

- a)  expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due two months from the date of the Notice of Appeal filed on Oct 17, 2000 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

**Applicant's response to the final rejection, filed on Nov 30, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:**

- The proposed amendment(s):

- will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- will not be entered because:
  - they raise new issues that would require further consideration and/or search. (See note below).
  - they raise the issue of new matter. (See note below).
  - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: newly amended claims raises new issues, that changes the scope of the invention, and would require further search and considerations.

- Applicant's response has overcome the following rejection(s):  
\_\_\_\_\_  
\_\_\_\_\_

- Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see attachment

- The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_  
 Claims objected to: \_\_\_\_\_  
 Claims rejected: 1-15 \_\_\_\_\_

- The proposed drawing correction filed on \_\_\_\_\_  has  has not been approved by the Examiner.

- Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

- Other

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Attachment

With respect to applicant's argument on page 13 that Maniwa, Sasanuma and Ferguson do not teach an acquisition unit for acquiring the condition information stored in the image output unit by using two-way communications, in response to the image output instruction, and an image processor for performing image processing of image data in accordance with the condition information acquired by the acquisition unit., has been considered.

In reply, Maniwa teaches an image processing apparatus (see # 107, 109, 104 of fig. 1) comprising: a communicator for performing two-way communications (see interface A and B of fig. 1) with an image output unit (#105 of fig. 1) that includes an update unit (see # 112 of fig. 1) for updating condition information indicating a condition of the image output unit (see column 6 line 30-40) and a memory for storing the condition information (see MIB of column 23 line 40-45); an input unit (see interface A of fig. 1 and column 7 line 20-38) for inputting an image output instruction; an acquisition unit (see interface B of fig. 1 and fig. ) for acquiring the condition information stored in the image output unit by utilizing the two-way communications, and an image processor (see 107 of fig. 1)for performing image processing of image data. (See column 7 line 34-38)

Maniwa does not teach that the acquisition unit acquires the condition information in response to the image output instruction and that the image processing is performed according to the condition information.

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Ferguson teaches to acquire condition information in response to image output instruction. (See status request on column 1 line 35-43. The status request is an image output instruction because the status request in Ferguson's printer is used to indicate to a printer that an image is to be outputted and have the printer controller to check status before image data is being transferred)

Sasanuma teaches to perform image processing in an image processor (see 1200 of fig 1) according to the condition of an image processing apparatus. (See 1100 of fig. 1, column 16, line 20-24, column 5 line 15-35) Maniwa, Ferguson and Sasanuma are combinable because they are from the same area of image processing.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify Maniwa's image processing apparatus by having the acquisition unit to acquire condition information in response to the image output instruction as taught by Ferguson for the purpose of checking the status of the image output unit.

Moreover, it would have been obvious to one of ordinary skill in the art to have the image processor of Maniwa to perform image processing according to the condition of the image processing apparatus as taught by Sasanuma for the purpose of ensuring a good image can be formed by the image output unit.

With respect to applicant's argument on page 14 that the cited references fail to suggest a way to correct for changes in conditions of an image output unit when processing of data for which an image is to be output occurs in a host computer.

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In reply, Sasanuma teaches to perform image processing in an image processor (see 1200 of fig 1) according to the condition of an image processing apparatus. (See 1100 of fig. 1, column 16, line 20-24, column 5 line 15-35) Fig. 1 of Sasanuma shows a computer unit (1200, processor) that is in communication with a printer unit (1100) and the computer unit is to perform image processing of an image that is to be output to the printer unit based on the condition of the printer unit. (See column 5 line 15-35, and column 16 of Sasanuma)

With respect to applicant's argument on page 15 that Morgan does not teach a transmitter for transmitting the stored condition information to the host computer in accordance with a request for acquiring the condition information issued by the computer, has been considered.

In reply, Morgan teaches a transmitter (see 38 of fig. 1) for transmitting the stored condition information to the host computer in accordance with a request for acquiring the condition information issued by the host computer (see column 9 line 65-68, column 10 line 1-5)

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